

FILED IN THE
UNITED STATES
BANKRUPTCY COURT

2003 JUN 23 P 4: 15

DISTRICT OF UTAH

BY [Signature]
DEPUTY CLERK

J. THOMAS BECKETT (5587)
DIANNA M. GIBSON (7533)
PARSONS BEHLE & LATIMER
Attorneys for the Freightliner Companies
One Utah Center
201 South Main Street, Suite 1800
Post Office Box 45898
Salt Lake City, UT 84145-0898
Telephone: (801) 532-1234
Facsimile: (801) 536-6111

UNITED STATES BANKRUPTCY COURT
DISTRICT OF UTAH

IN RE

SIMON TRANSPORTATION
SERVICES, INC., DICK SIMON
TRUCKING, INC., AND SIMON
TERMINAL, LLC,

Debtors.

Bankruptcy Case No. 02C-22906

Chapter 11

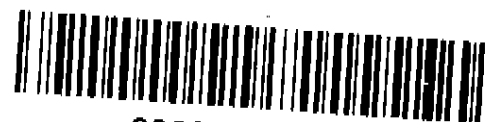
[Jointly Administered]

REVISED AND SUPPLEMENTAL DESIGNATION OF RECORD ON APPEAL

Appellants Freightliner LLC (f/k/a Freightliner Corporation) and Freightliner Market Development Corporation (together, the "Freightliner Companies"), hereby submit this revised and supplemental designation of items to be included in the record on appeal.

DESIGNATION OF RECORD ON APPEAL

The Freightliner Companies filed a Notice of Appeal to the Bankruptcy Appellate Panel ("BAP"). Central Refrigerated Services, Inc. ("Central") filed a Notice of Appeal to this Court, the United States District Court for the District of Utah. On May 22, 2003, Central filed an election to have the Freightliner Companies' appeal heard by this Court, instead of by the BAP.



By order dated May 28, 2003, the BAP transferred the Freightliner Companies' appeal to this Court.

The Freightliner Companies again designates the following pleadings and transcripts as the Record on Appeal. As is required, the Freightliner Companies provides copies of the items in bold/*italics* to supplement those already designated and provided by Central:

FILING DATE	DOCKET NUMBER	PLEADING DESCRIPTION
2/25/2002	1	<i>Chapter 11 Voluntary Petition. Fee Amount \$830. Receipt Number: 00148765 Filed by Simon Transportation Services Inc. (jtt.) (Entered: 02/25/2002)</i>
03/11/2002	107	Motion for an Order approving: (1) Bidding and Auction Procedures and Sale Date for Sale of Assets; (2) the Form of Bidding, Auction and Sale Notice; and (3) The Scheduling of an Expedited Hearing on Motion for Sale Procedures, Notice, and Sales Hearing Filed by Simon Transportation Services Inc. and Dick Simon Trucking, Inc. (mjo.) (Entered: 3/12/2002)
03/21/2002	<i>Minute Entry (See Docket)</i>	<i>Minute Entry Re: (1) Motion for an Order approving: (1) Bidding and Auction Procedures and Sale Date for Sale of Assets; (2) the Form of Bidding, Auction and Sale Notice; and (3) The Scheduling of an Expedited Hearing on Motion for Sale Procedures, Notice, and Sales Hearing. Motion granted as modified on the record. The cap topping fee is set at \$50,000.00. (2) Motion for order Compelling debtor to assume or Reject unexpired lease and granting relief from stay filed by Banc of America. The lease is rejected. Appearances: Laurie Crandall, Joel Marker, Lisa Epps, Thomas Lallier, Vernon Hopkinson, Jeffrey w. Shields, David Leta, Gary Jubber, Peter Billings, Mark Ferre, Randall Call, Weston Harris, Scott Goldstein, Daniel Doyle, Mark Gable, Zachary Shields, Lee Curtis, Julia Petit, Danny Kelly, Douglas Monson; (related document(s) <u>107</u>, <u>50</u>). (th) (Entered: 03/21/2002)</i>

FILING DATE	DOCKET NUMBER	PLEADING DESCRIPTION
03/21/2002	188	<i>Statement of Financial Affairs and Schedules (02-22907) (jdc) (Entered: 03/22/2002)</i>
03/25/2002	206	Order Re: Motion for an Order approving: (1) Bidding and Auction Procedures and Sale Date or Sale of Assets; (2) the Form of Bidding, Auction and Sale Notice; and (3) The Scheduling of an Expedited Hearing on Motion for Sale Procedures, Notice, and Sales Hearing (related document(s) 107). (mkh) (Entered: 03/25/2002)
03/25/2002	228	<i>Notice of filing Asset Purchase Agreement Relating to the Stalking Horse Bid Filed by Paul W. Werner on behalf of Central Freight Lines, Inc. (fsl) (Entered: 03/26/2002)</i>
04/04/2002	319	<i>Support Document re: Supplement to Central Freight Lines, Notice of filing Asset Purchase Agreement Relating to the Stalking Horse Bid Filed by Central Freight Lines, Inc. (related document(s)228). (mkh,) (Entered: 04/05/2002)</i>

FILING DATE	DOCKET NUMBER	PLEADING DESCRIPTION
04/08/2002	<i>Minute Entry (See Docket)</i>	<i>Minute Entry Re: Motion for Approval of Sale of Substantially All of the Debtors' Assets and to Approval Assumption and Assignment of leases and Executory Contracts. The sale is approved as modified on the record. (2) Motion for Order Approving Stipulation Between Debtors and Orix USA Corp. for an Order Approving Rejection of Lease upon Certain Conditions. Motion granted. 3) Motion to Prohibit Use of Leased Equipment or for Relief from Stay filed by First Union Commercial Corp. Parties have reached a agreement, Exhibits received; Witness: Ken Novotny; Appearances: Jeffrey W. Shields, Paul Warner, Steve Dougherty, Gary Jubber, Peter Billings, Thomas Lallier, Vernon Hopkinson, Douglas Monson, Herschel Saperstein, Gerald Suniville, Wayne Braunberger, Robert Prine, Weston Harris, Mark Ferre, Tim Gage, Mark Gaylord, Anna Drake, Joel Dangerfield, Laurie Crandall, Randall Call, Daniel Doyle, Lisa Epps, Danny Kelly, Julia Petit, David Leta, Jeffrey L. Shields, Lee Curtis, David Paradise, Earl Scudder, Scott Goldstein, Zachary Shields; (related document(s) <u>106</u>, <u>137</u>, <u>288</u>). (th,) (Entered: 04/02/2002)</i>
04/09/2002	344	Motion to Assume and Assign Certain Contracts. Filed by Central Refrigerated Services, Inc. (fsl.) (Entered: 04/10/2002)
04/09/2002	344	Notice of Hcaring Re: Filed by Central Refrigerated Service, Inc. (related document(s) <u>344</u>). Hearing scheduled for 4/22/2002 at 11:00 AM at US Bankruptcy Court. (fsl.) (Entered: 04/10/2002)
04/09/2002	345	Joint Motion of Debtors and Central Refrigerated Service, Inc. to Assume and Assign Certain Contracts. Filed by Central Refrigerated Service, Inc. (fsl.) Modified on 4/23/2002 (fsl.). Entered: 04/10/2002)
04/09/2002	345	<i>Notice of Hearing Re: Filed by Central Refrigerated Service, Inc. (related document(s) <u>345</u>). Hearing scheduled for 4/22/2002 at 11:00 AM at US Bankruptcy Court. (fsl.) (Entered: 04/10/2002)</i>

FILING DATE	DOCKET NUMBER	PLEADING DESCRIPTION
04/15/2002	375	Joint Motion of Debtors & Central Refrigerated Service, Inc. to Assume & Assign Certain Contracts under 11 USC (365) Filed by Central Refrigerated Service, Inc. (smh,) (Entered: 04/16/2002)
04/15/2002	375	<i>Notice of Hearing: Filed by Danny C. Kelly on behalf of Central Refrigerated Service, Inc. (related document(s) 375). Hearing scheduled for 4/22/2002 at 11:00 AM at US Bankruptcy Court. (smh,) (Entered: 04/16/2002)</i>
04/19/2002	397	<i>Amended Schedules (jdc,) (Entered: 04/19/2002)</i>
04/19/2002	404	<i>Amended Schedules – Amount Paid: \$20, Receipt Number: 155051 (kam,) (Entered: 04/22/2002)</i>
04/22/2002	407	Order Pursuant to Motion To Assume/Reject (Related Doc # 106), pursuant to Motion To Sell (Related Doc # 106) Motion for Approval of Sale Substantially All of the Debtors' Assets and to Approve Assumption and Assignment of Leases and Executory Contracts Filed by Simon Transportation Services Inc. and Dick Simon Trucking, Inc. and Granting related Relief. (bfg,) (Entered: 04/22/2002)
04/23/2002	417	Order Granting (A) Granting Joint Motion of Debtors and Central Refrigerated Services; (B) Authorizing Assumption and Assignment of Executory Contracts (Vendor Contracts); and (C) Granting Related Relief. (Related Doc # 345) (fsl,) (Entered: 04/23/2002)
05/02/2002	453	Motion for Reconsideration of April 22, 2002 Orders Authorizing Sale, etc. and Approving Assumption and Assignment of Executory Vendor contracts, etc. and Exclusion of the Freightliner Companies from the Effects of those Orders Filed by Freightliner LLC (related documents(s) 407, 417). (kmc) (Entered: 05/03/2002)
05/02/2002	454	Memorandum in Support Filed by Freightliner LLC (related document(s) 453). (kmc,) (Entered: 05/03/2002)

FILING DATE	DOCKET NUMBER	PLEADING DESCRIPTION
06/04/2002	<i>Minute Entry (See Docket)</i>	<i>Minute Entry Re: Motion for Reconsideration of April 22, 2002 Orders Authorizing Sale, etc. and Approving Assumption and Assignment of Executory Vendor Contracts, etc. and Exclusion of the Freightliner Companies from the Effects of those Orders Filed by Freightliner LLC. A stipulation was reached to extend time for discovery. The hearing on this motion will be continued without date. Parties may file an agreed order. (2) Debtor's Third Omnibus Motion for Authority to Reject Certain Executory Contracts. Motion granted with the exception of Clarendon National Insurance. Appearances: Weston Harris, Vernon Hopkinson, Thomas Beckett, Herschel Saperstein; (related document(s) [475], <u>453</u>. (th,) Entered: 06/04/2002)</i>
07/19/2002	641	Supplemental Motion to Assume and Assign (1) Agreement Between Dick Simon Trucking and Freightliner (s) Agreement for Conditional Commitment to Repurchase #2000-00366, (3) Agreement for Conditional Commitment to Repurchase #2001-00013 and (4) Agreement for Conditional Commitment to Repurchase #2001-00014 Pursuant to 11 U.S.C. 365 Filed by Simon Transportation Services Inc. (kmc,) (EOD: 07/22/2002)
07/19/2002	642	Dbs Preliminary Response to Memorandum of Points and Authorities Supporting Freightliner's Motion for Reconsideration of April 22, 2002 Orders Authorizing Sale, etc. and Approving Assumption and Assignment of Executory Vendor Contracts, etc., and Exclusion of the Freightliner Companies from the Effects of those Orders Filed by Simon Transportation Services Inc. (related document(s) <u>454</u>). (kmc,) (EOD: 07/22/2002)

FILING DATE	DOCKET NUMBER	PLEADING DESCRIPTION
08/06/2002	675	<i>Notice of hearing Re: Motion for Reconsideration of April 22, 2002 Orders Authorizing Sale, etc. and Approving Assumption and Assignment of Executory Vendor Contracts, etc. and Exclusion of the Freightliner Companies from the Effects of those Orders Filed by Freightliner LLC and Debtors' Supplemental Motion to Assume and Assign 1 – Agreement between Dick Simon Trucking and Freightliner, 2 – Agreement for Conditional Commitment to Repurchase #2000-00366, 3 – Agreement for Conditional Commitment to Purchase #2001-00013 and 4 – Agreement for conditional Commitment to Repurchase #2001-00014 pursuant to 11 U.S.C. 365 Filed by Simon Transportation Services inc. (related document(s) <u>641</u>, <u>453</u>). Hearing scheduled for 8/29/2002 at 10:00 AM and Continuing at 2:00 PM at US Bankruptcy Court. (kam,) (EOD: 08/07/2002)</i>
08/20/2002	699	Order Rescheduling Hearing. Joint Motion of Debtors and Central Refrigerated Service; Authorizing Assumption and Assignment of Exccutory Contract; Granting Related Relief (Contracts Order) Hearing Scheduled for 8/26/02 at 10:00 A.M. at U.S. Bankruptcy Court. Debtors' Supplemental Motion to Assume and Assign, Agreement between Dick Simon Trucking and Freightliner, Agreement for Conditional Commitment to Repurchase #2001-00013, and Agreement for Conditional Commitment to Repurchasc # 2001-00014 Hearing Rescheduled for 9/5/02 at 10:00 A.M. at U.S. Bankruptcy Court (related document(s)[ME]) (fsl,) (EOD: 08/20/2002)
08/22/2002	701	Response to debtors preliminary response to Freightliner's May 5, 2002 Motion for Reconsideration. Filed by Freightliner LLC (related document(s) <u>674</u> . (mkh,) (EOD: 08/23/2002)
08/22/2002	702	Debtor's Response/Objection (Submission) (related document(s) <u>453</u> , <u>417</u> (jtt,) (EOD: 08/23/2002)

FILING DATE	DOCKET NUMBER	PLEADING DESCRIPTION
08/23/2002	704	Memorandum in Opposition To Filed by Central Refrigerated Service, Inc. to Freightliner's Motion for (I) Reconsideration of 4/22/02 Orders Authorizing Sale, etc. and approving Assumption and Assignment of Executory Vendor Contract, and (II) Exclusion of Freightliner companies From the Effects of Those Orders (related document(s) <u>453</u>). (mjo,) (EOD: 08/26/2002)
08/26/2002	711	Debtors' supplemental submission Document Re: the notice issue presented by Freightliner's Motion for reconsideration. (mkh,) (EOD: 08/27/2002)
08/27/2002	710	Order Granting Motion for Reconsideration of April 22, 2002 Order Pursuant to 105(a) 363, 365 AND 1146 of the Bankruptcy Code: Authorizing the Sale of Substantially all of the Dbs Assets to Central Refrigerated Service, Inc. Free and Clear of Liens, Claims, Interests and Encumbrances, Approving the Asset Purchase Agreement and Granting Related Relief (Related Doc # <u>453</u>) (kmc,) (EOD: 08/27/2002)
09/04/2002	716	<i>Pending Scheduling Order (kmc,) (EOD: 09/05/2002)</i>
09/04/2002	717	<i>Notice of Hearing on Dbs Supplemental Motion to Assume and Assign Filed by Central Refrigerated Service, Inc. (related document(s) <u>641</u>. Hearing scheduled for 9/20/2002 at 10:00 AM at US Bankruptcy Court. (kmc,) (EOD: 09/05/2002)</i>
09/11/2002	726	<i>Second Scheduling Order Regarding Motion to Assume and Assign (1) Agreement Between Dick Simon Trucking and Freightliner, (2) Agreement for Conditional Commitment to Repurchase #2000-00366, (3) Agreement for Conditional Commitment to Repurchase #2001-00013 and (4) Agreement for Conditional Commitment to Repurchase #2001-00014, pursuant to 11 U.S.C. 365 (Related Doc # <u>641</u>) (kmc,) (EOD: 09/11/2002)</i>

FILING DATE	DOCKET NUMBER	PLEADING DESCRIPTION
09/19/2002	746	<i>Notice of Rescheduled Hearing Re: Supplemental Motion to Assume and Assign (1) Agreement Between Dick Simon Trucking and Freightliner (2) Agreement for Conditional Commitment to Repurchase #2000-00366, (3) Agreement for Conditional Commitment to Repurchase #2001-00013 and (4) Agreement for Conditional Commitment to Repurchase #2001-00014 Pursuant to 11 U.S.C. 365 Filed by Simon Transportation Services Inc. (related document(s) <u>641</u>). Hearing scheduled for 10/21/2002 at 10:00 AM at US Bankruptcy Court (fsl,) (EOD: 09/20/2002)</i>
09/27/2002	755	Response to Freightliner's Memorandum of Points and Authorities Supporting its Objection to the Dbs' Supplemental Motion for Authority to Assume and Assign Trade-Backs to Central Filed by Simon Transportation Services Inc. (related document(s) <u>454</u>). (kam,) (EOD: 09/30/2002)
10/16/2002	777	Memorandum in Support of Filed by Central Refrigerated Service, Inc. (related document(s) <u>641</u>). (bfg,) (EOD: 10/17/2002)
10/17/2002	777	Memorandum in Opposition To Filed by Central Refrigerated Service, Inc. (related document(s) <u>755</u> (bfg,) (EOD: 10/17/2002)
10/18/2002	782	Response to Response to Freightliner's Memorandum of Points and Authorities Supporting its Objection to the Dbs' Supplemental Motion for Authority to Assume and Assign Trade-Backs to Central Filed by Simon Transportation Services Inc. Filed by Freightliner of Utah, L.L.C. (related document(s) <u>755</u> , <u>704</u>). (kam,) EOD: 10/21/2002)
10/18/2002	784	<i>Affidavit/Verification of Christine A. Botosan, PH.D. (Unsigned order not FILED UNDER SEAL) (bfg,) Modified on 2/13/2003 (jtt.). (EOD: 10/21/2002)</i>

FILING DATE	DOCKET NUMBER	PLEADING DESCRIPTION
10/18/2002	785	Memorandum in Support of Filed by Freightliner LLC, Freightliner of Utah, L.L.C. (related document(s) <u>783</u>). Unsigned order not FILED UNDER SEAL. (bfg,) Modified on 2/13/2002 (jtt.). (EOD: 10/21/2002)
10/18/2002	786	<i>Pending Order Re: (related document(s) <u>783</u>) Motion for Sealing (I) Freightliner's memorandum of points and authorities and (II) Supporting Affidavit of Christine A. Botosan, PHD Filed by Freightliner LLC, Freightliner of Utah, L.L.C. (bfg,) (EOD: 12/21/2002)</i>
10/21/2002	<i>Minute Entry (See Docket)</i>	<i>Minute Entry Findings of Fact and conclusions of Law were made on the record. The court finds that the agreements fall within the definition of an executory contract. The court finds that the agreements were not a part of the April 8, 2002 sale. Without consideration to support assignment of the Agreements, the Court finds that the debtor has not properly exercised its business judgment and the assignment is not in the best interest of the estate and the court denies the motion without prejudice. Having denied the motion to assign the court has determined a method by which the court will be assured that fair consideration is paid the estate for assignment of the agreements. An auction should be conducted inviting Central, Freightliner and any other party interested in bidding to participate. The Court appoints the Unsecured Creditor's Committee to serve as the auctioneer. Use of the Unsecured Creditor's Committee to structure and conduct the auction will guarantee that the sale and assignment is accomplished in an arms length transaction. Re: Appearances: Diana Gibson, Thomas Beckett, Gary Jubber, Peter Billings, Weston Harris, Mark Thornhill, Scott Goldstein, Michael Emery; (related document(s) <u>641</u>. (th,) (EOD: 10/21/2002</i>
10/21/2002	787	<i>Affidavit/Verification of Michael J. Cox. (Per Chambers no Order indicating to be FILED UNDER SEAL). (bfg,) Modified on 10/21/2002 (bfg.). Modified on 2/13/2002 (jtt.). (EOD: 10/21/2002)</i>

FILING DATE	DOCKET NUMBER	PLEADING DESCRIPTION
12/03/2002	852	Order Denying Without Prejudice Dbs Supplemental Motion to Assume and Assign (1) Agreement between Dick Simon Trucking and Freightliner, (2) Agreement for Conditional Commitment to Repurchase #2000-00366, (3) Agreement for Conditional Commitment to Repurchase #2001-00013, and (4) Agreement for Conditional Commitment to Repurchase #2001-00014 Pursuant to 11 U.S.C. 365 and Authorization of Auction (related document(s) <u>641</u>) (kmc,) (EOD: 12/03/2002)
12/05/2002	856	Motion for New Trial or, Motion To Stay of Auction Pending Appeal Filed by Central Refrigerated Services, inc. (bfg,) EOD: 12/06/2002)
12/06/2002	858	<i>Ex Parte Motion to Limit Notice and to Shorten Time on Motion for Stay Pending Appeal and/or Motion for New Trial. Filed by Central Refrigerated Services, Inc. (mkh,) (EOD: 12/09/2002)</i>
12/06/2002	861	<i>Notice of Hearing related document(s): <u>858</u> Motion (Generic), Motion to Shorten Time, Motion To Stay Pending Appeal) filed by Central Refrigerated Service, Inc. Hearing Scheduled for 12/10/2002 at 10:00 AM at US Bankruptcy Court (bfg,) (EOD: 12/09/2002)</i>
12/09/2002	860	<i>Order Granting EX Parte Motion to Limit Notice (Related Doc #<u>858</u>, Granting Motion for Order to shorten time on Motion for Stay Pending Appeal and/or Motion for New Trial. (Related Doc #<u>858</u>) (mkh,) EOD: 12/09/2002)</i>
12/10/2002	Minute Entry (See Docket)	<i>Minute Entry The court will grant a new hearing and allow a 45 day stay. Re: Motion for New Trial or, Motion To Stay of Auction Pending Appeal (related document(s): <u>856</u> Motion (Generic), Motion To Stay Pending Appeal filed by Central Refrigerated Service, Inc. <u>818</u> Disclosure Statement filed by Unsecured Creditors Committee) Appearances: Weston Harris, Gary Jubber, Peter Billings, Thomas Beckett, Diana Gibson, Michael Emery; (th,) (EOD: 12/10/2002)</i>

FILING DATE	DOCKET NUMBER	PLEADING DESCRIPTION
12/10/2002	864	<i>Response to (related document(s): <u>856</u> Motion (Generic), Motion To Stay Pending Appeal) Filed by Freightliner of Utah, L.L.C. (mjo,) (EOD: 12/11/2002)</i>
12/13/2002	867	Motion for New Trial/Hearing (related document(s): <u>861</u> Notice of Hearing) filed by Central Refrigerated Service, Inc. (mjo,) (EOD: 12/16/2002)
12/13/2002	868	<i>Memorandum in Support (related document(s): <u>867</u> Motion to Continue/Reschedule Hearing) Filed by Central Refrigerated Service, Inc. (mjo,) (EOD: 12/16/2002)</i>
12/13/2002	869	<i>Pending Order (related document(s): <u>867</u> Motion to Continue/Reschedule Hearing) (mjo,) (EOD: 12/16/2002)</i>
12/20/2002	877	Order Granting Motion for New Trial (Related Doc # <u>856</u> , Granting Motion to Stay Pending Appeal (Related Doc # <u>856</u> (fsl,) (EOD: 12/20/2002)
01/14/2002	Transcript of Hearing	Transcript of Hearing. Date of Hearing: 10/21/02 (nas,) (Entered: 01/15/2003)
01/16/2003	893	<i>Notice of New Re-Hearing Related document(s): <u>641</u> Motion to Assume or Reject,) filed by Central Refrigerated Service, Inc. Hearing scheduled for 1/17/2003 at 10:00 AM at US Bankruptcy Court (bfg,) (EOD: 01/17/2003)</i>
01/17/2003	Minute Entry (See Docket)	<i>Minute Entry Re: Hearing Continued. The parties are to notify the court whether the hearing will be continued to February 10th or 14th by Tuesday January 21, 2003: (related document(s): <u>641</u> Motion to Assume or Reject,) Witnesses: Robert Goates, Kenneth Novotny, exhibits received; Appearances: Weston Harris, Diane Gibson, Thomas Beckett, Michael Emery, Wayne Bennett, Peter Billings; (th,) Modified on 1/22/2003 (th,). (EOD: 01/21/2003)</i>

FILING DATE	DOCKET NUMBER	PLEADING DESCRIPTION
01/28/2003	906	<i>Amended Notice of Cont. Hearing (related documents(s): <u>641</u> Motion to Assume or Reject,) Filed by Michael N. Emery on behalf of Central Refrigerated Service, Inc. Hearing scheduled for 02/10/2003 at 10:00 AM at R. Kimball Mosier. (smh,) (EOD: 01/29/2003)</i>
02/10/2003	<i>Minute Entry (See Docket)</i>	<i>Minute Entry Re: Hearing Continued.: (related documents(s): <u>641</u> Motion to Assume or Reject,) Witnesses: Earl Scudder, Robert Goates, Peter Billings, Michael Cox, Christine Botosan; Exhibits received; Appearances: Michael Emery, Wayne Bennett, Diana Gibson, Thomas Beckett, Peter Billings, Weston; Hearing scheduled for 2/12/2003 at 10:00 AM at USBC Rm 369. (th,) (EOD: 02/10/2003)</i>
02/12/2003	<i>Minute Entry (See Docket)</i>	<i>Minute Entry Matter is taken under advisement. Re: (related document(s): <u>641</u> Motion to Assume or Reject, Minute Entry. Hearing continued,) Appearances: Michael Emery, Peter Billings, Wayne Bennett, Weston Harris, Thomas Beckett, Diane Gibson; (th,) (EOD: 02/12/2003)</i>
02/14/2003	Transcript of 1/17/03 hearing	Transcript of Hearing. Date of Hearing: Jan. 17, 2003 (smh,) (EOD: 02/18/2003)
02/14/2003	927	Memorandum On Limited Issue of Whether the Trade-Back Agreements are Executory Contracts – Filed by Unsecured Creditors Committee (smh,) (EOD: 02/18/2003)
02/20/2003	938	Response to Committee's Memorandum on Limited Issue Filed by Chris Farris, Freightliner LLC, Freightliner Market Development Company, Freightliner of Utah L.L.C. (kmc,) (EOD: 02/21/2003)
02/26/03	Transcript of 2/10/03 hearing	Transcript of Hearing. Date of Hearing: 2/10/03 (bfg,) (EOD: 02/26/2003)
04/29/2003	1023	Order Denying Motion To Reconsider (Related Doc #641) (ju,) (EOD: 04/29/2003)

FILING DATE	DOCKET NUMBER	PLEADING DESCRIPTION
05/07/2003	1029	Notice of Appeal Receipt Number: 196873 Fee Amount \$105 (related documents(s): 1023 Order on Motion to Assume/Reject) Filed by Freightliner LLC, Freightliner Market Development Company, Freightliner of Utah, L.L.C. Appellant Designation due by 5/19/2003. Certificate of Readiness Due Date 6/17/2003. (tjc) (EOD: 05/18/2003)
	<i>Transcript of 2/12/03 hearing</i>	<i>*Transcript has been ordered and will be filed with the Court herewith.</i>
<i>01/17/2003 & 02/10/2003 & 2/12/2003</i>		<i>All exhibits submitted for use and all exhibits admitted during and transcripts of the January 17, 2003, February 10, 2003 and February 12, 2003 hearings.</i>

DATED this 23rd day of June 2003.

PARSONS BEHLE & LATIMER

By



J. THOMAS BECKETT

DIANNA M. GIBSON

Attorneys for the Appellants

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of June 2003, I caused to be mailed, first class, postage prepaid, a true and correct copy of the foregoing **REVISED AND SUPPLEMENTAL DESIGNATION OF RECORD ON APPEAL** to:

Michael N. Emery Wayne Z. Bennett RICHARDS BRANDT MILLER & NELSON <i>Counsel Central Refrigerated Services, Inc.</i> 50 South Main Street P.O. Box 2465 Salt Lake City, Utah 84110-2465	James F. Williams James E. Till PERKINS COIE LLP <i>Counsel Central Refrigerated Services, Inc.</i> 1201 Third Avenue, Suite 4800 Seattle, Washington 98101-3099
Weston L. Harris PARSONS DAVIES KINGHORN & PETERS <i>Counsel for Simon Transportation Services, Inc., Dick Simon Trucking, Inc. and Simon Terminal, LLC</i> 185 South State Street Suite 700 Salt Lake City, UT 84111	Peter W. Billings, Esq. Gary E. Jubber, Esq. FABIAN & CLENDENIN <i>Counsel for Unsecured Creditors' Committee</i> 215 South State Street 12 th Floor Salt Lake City, UT 84111
Scott Goldstein Mark Thornhill SPENCER, FANE, BRITT & BROWNE, LLP 1000 Walnut, Suite 1400 Kansas City, MO 64106	Laurie Crandall U.S. Trustee's Office #9 Exchange Place Suite 100 Salt Lake City, UT 84111-2147

